

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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INTEGRITY COMMUNICATIONS CORP, et al.,

Plaintiffs,

-against-

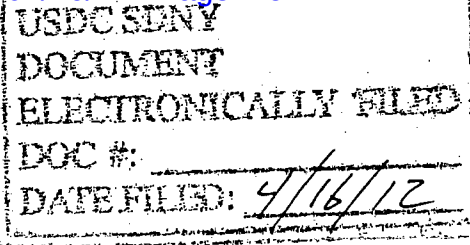
RALPH H. BAKER JR.,

Defendant.

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DEBORAH A. BATTIS, United States District Judge.

This matter is before the Court upon the March 26, 2012 Report and Recommendation of United States Magistrate Judge Ronald L. Ellis (the "Report"). The Report recommends that Plaintiffs' Second Motion for Default, Docket # 25, be GRANTED, that default be entered against Defendant, and that this matter proceed to an inquiry into damages, fees, and costs. (Report at 1, 4.)

"Within fourteen days after being served with a copy [of a Magistrate Judge's Report and Recommendation], a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2); accord 28 U.S.C. § 636(b)(1)(C). The district court may adopt those portions of the report to which no timely objection has been made, so long as there is no clear error on the face of the record. Wilds v. United Parcel Serv., Inc., 262 F.Supp.2d 163, 169 (S.D.N.Y. 2003). "[F]ailure to object timely to a magistrate's report operates as a waiver of any further judicial review of the magistrate's decision." Caidor v. Onondaga County, 517 F.3d 601,



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AND RECOMMENDATION

604 (2d Cir. 2008) (quoting Small v. Sec. of HHS, 892 F.2d 15, 16 (2d Cir. 1989)). This rule applies to pro se parties so long as the magistrate's report "explicitly states that failure to object to the report within [fourteen (14)] days will preclude appellate review..." Small, 892 F.2d at 16.

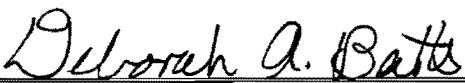
The Report advised Parties of the procedure for filing objections and warned that failure to file objections would waive objections and preclude appellate review. (Report at 5.) No Party has filed any objections to the Report.

Having reviewed the Report, and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(B), it is hereby ORDERED AND ADJUDGED that the Report and Recommendation of United States Magistrate Judge Ronald L. Ellis dated March 26, 2012, be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety. Plaintiffs' Motion for Default is GRANTED, the Clerk is directed to place Defendant in default, and this matter is returned on reference to the Honorable Magistrate Judge Ellis for an inquiry into damages, attorneys' fees, and costs.

SO ORDERED.

Dated: New York, New York

April 16, 2012


Deborah A. Batts
United States District Judge